Instructions for Affidavit of Plaintiff and Defendant as to Jurisdiction and Grounds for Divorce & Form

In South Dakota, both parties must typically agree to use irreconcilable differences as the reasons for divorce. Additionally, the Plaintiff must be a resident of the State of South Dakota when the divorce is started. This Affidavit confirms those facts for the Court. If the parties sign the Stipulation and Settlement Agreement (With Minor Children) document, they must also sign this document.

- Complete this form in black or blue ink only!
- Complete the "caption." This information will be the same as on the Summons (With Minor Children) and Complaint With Children. The caption is the same on every form.
- Fill in the full legal names of the Plaintiff and Defendant.
- In Paragraph 3, insert the name of the city where the Plaintiff resided when the divorce action was started.
- The Plaintiff must fill in the date with the day, month and year that he/she signs the Affidavit.
- The Plaintiff must sign the document in the presence of a notary public or clerk of court. Make sure to bring photo identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse.
- The Defendant must fill in the date with the day, month and year that he/she signs the Affidavit.
- The Defendant must sign the document in the presence of a notary public or clerk of court. Make sure to bring photo identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse.
 - <u>If the Defendant refuses to sign the form, the Plaintiff should still file the Affidavit with his/her single signature.</u>
- Make a copy for each of you and file the original with the Clerk of Court.

WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court could find you in contempt or you could be prosecuted for not telling the truth.

STATE OF SOUTH DAKOTA)	IN CIRCUIT COURT		
COUNTY OF)	JUDICIAL CIRCUIT		
Plaintiff, vs.	AFFIDAVIT OF PLAINTIFF AND DEFENDANT AS TO JURISDICTION AND REASON FOR DIVORCE		
Defendant			
	, Plaintiff and,		
Defendant, being first duly sworn upo	on their oath, depose and state as follows:		
	1.		
That they are the Plaintiff and	the Defendant in the above-entitled divorce action.		
	2.		
This Affidavit is made pursu	ant to the provisions of SDCL 25-4-17.3 so that the divorce		
may be granted without requiring the	personal appearance in Court by either party.		
	3.		
Pursuant to SDCL 25-4-30, the	ne Plaintiff, at the time of the commencement of this divorce		
action was a bona fide resident of of the State of S			
Dakota (or stationed in the State of So	outh Dakota while a member of the armed services).		
	4.		
Plaintiff and Defendant agr	ee by signing this Affidavit that there are irreconcilable		
differences between the parties which	h the parties cannot repair to save the marriage. Both parties		
consent to the Court's entry of a Dec	ree of Divorce to both parties on the grounds of irreconcilable		
differences.			
	5.		

property and other matters, which agreement is presented to the Court with this Affidavit.

A written Stipulation and Settlement Agreement (With Minor Children) has been entered

into between the Plaintiff and Defendant setting forth the terms and conditions of the division of

Both parties authorize the immediate presentation of the Stipulation and Settlement Agreement (With Minor Children) and of this Affidavit to Jurisdiction and Grounds for Divorce and of the proposed Judgment and Decree of Divorce to the Court and respectfully request the Court to consider the same without need for any noticed hearing or trial. The parties further waive the entry of formal Findings of Fact and Conclusions of Law.

Dated thisda	ay of		, 20	
	Signature of Plai (Sign only in from		ntiff nt of a Notary or Clerk of Courts)	
SUBSCRIBED AND SWORN to before	e me this	day of	, 20	
(SEAL) If notary, my commission expires:	Notary	Public/Clerk of Cou	ırt	
Dated this	day of		, 20	
		Signature of Defendant (Sign only in front of a Notary or Clerk of Courts)		
SUBSCRIBED AND SWORN to before	e me this	day of	, 20	
(SEAL) If notary, my commission expires:	Notary	Public/Clerk of Cou	urt	